

(1) Fully inform New Process of all missing information and of all needed clarifications regarding proposed calculations of hand labor cost, overhead expense, profit and credit expenses for New Process, and regarding product exclusions for New Process;

(2) Give New Process an opportunity to provide additional information and to make clarifications regarding proposed calculations of hand labor cost, overhead expense, profit and credit expense, and regarding product exclusions;

(3) Based on the above, make new dumping calculations for New Process and for Inland.

The panel affirmed SECOFI's Remand Results of April 30, 1997, with respect to the allocation of raw material costs of New Process and in all other respects not addressed above. The Panel ordered the second remand determination to be completed within 120 days of the date of the opinion (by not later than January 13, 1998).

Dated: October 14, 1997.

**James R. Holbein,**

*United States Secretary, NAFTA Secretariat.*  
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## DEPARTMENT OF COMMERCE

### International Trade Administration

#### North American Free-Trade Agreement, Article 1904 NAFTA Panel Reviews; Request for Panel Review

**AGENCY:** NAFTA Secretariat, United States Section, International Trade Administration, Department of Commerce.

**ACTION:** Notice of First Request for Panel Review.

**SUMMARY:** On September 29, 1997 Electroquímica Mexicana S.A. de C.V. filed a First Request for Panel Review with the Mexican Section of the NAFTA Secretariat pursuant to Article 1904 of the North American Free Trade Agreement. Panel review was requested of the final countervailing determination made by the Secretaria de Comercio y Fomento Industrial, respecting Hydrogen Peroxide Originating in the United States of America. This determination was published in the *Diario Oficial de la Federación* on September 2, 1997. The NAFTA Secretariat has assigned Case Number MEX-97-1904-01 to this request.

**FOR FURTHER INFORMATION CONTACT:** James R. Holbein, United States

Secretary, NAFTA Secretariat, Suite 2061, 14th and Constitution Avenue, Washington, D.C. 20230, (202) 482-5438.

**SUPPLEMENTARY INFORMATION:** Chapter 19 of the North American Free-Trade Agreement ("Agreement") establishes a mechanism to replace domestic judicial review of final determinations in antidumping and countervailing duty cases involving imports from a NAFTA country with review by independent binational panels. When a Request for Panel Review is filed, a panel is established to act in place of national courts to review expeditiously the final determination to determine whether it conforms with the antidumping or countervailing duty law of the country that made the determination.

Under Article 1904 of the Agreement, which came into force on January 1, 1994, the Government of the United States, the Government of Canada and the Government of Mexico established *Rules of Procedure for Article 1904 Binational Panel Reviews* ("Rules"). These Rules were published in the **Federal Register** on February 23, 1994 (59 FR 8686).

A first Request for Panel Review was filed with the Mexican Section of the NAFTA Secretariat, pursuant to Article 1904 of the Agreement, on September 29, 1997, requesting panel review of the final antidumping duty investigation described above.

The Rules provide that:

(a) a Party or interested person may challenge the final determination in whole or in part by filing a Complaint in accordance with Rule 39 within 30 days after the filing of the first Request for Panel Review (the deadline for filing a Complaint is October 29, 1997);

(b) a Party, investigating authority or interested person that does not file a Complaint but that intends to appear in support of any reviewable portion of the final determination may participate in the panel review by filing a Notice of Appearance in accordance with Rule 40 within 45 days after the filing of the first Request for Panel Review (the deadline for filing a Notice of Appearance is November 13, 1997); and

(c) the panel review shall be limited to the allegations of error of fact or law, including the jurisdiction of the investigating authority, that are set out in the Complaints filed in the panel review and the procedural and substantive defenses raised in the panel review.

Dated: October 14, 1997.

**James R. Holbein,**

*United States Secretary NAFTA Secretariat.*  
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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[I.D. 101497B]

#### American Lobster; Intent to Prepare an Environmental Impact Statement

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Notice of intent (NOI) to prepare an environmental impact statement (EIS); request for written comments.

**SUMMARY:** NMFS announces its intent to prepare an EIS to assess the impact on the natural and human environment of possible measures to manage fishing for American lobster in the U.S. Exclusive Economic Zone (EEZ). This NOI requests public input in the form of written comments on issues that NMFS should consider in preparing the EIS. Specifically, the EIS will examine alternatives available to NMFS in addressing the overfishing of American lobsters in the EEZ as well as state waters, including specific recommendations to the Secretary of Commerce (Secretary) by the Atlantic States Marine Fisheries Commission (ASMFC) in its proposed Amendment 3 to the Interstate Fishery Management Plan for Lobster. Public hearings for the EIS will be scheduled at a later date.

**DATES:** Written comments on the intent to prepare the EIS must be received on or before November 20, 1997. Public hearings will be announced in the **Federal Register** at a later date.

**ADDRESSES:** Comments should be sent to: Andrew A. Rosenberg, Ph.D., Regional Administrator, Northeast Region, NMFS, One Blackburn Drive, Gloucester, MA 01930-3799.

**FOR FURTHER INFORMATION CONTACT:** Paul H. Jones, Fishery Policy Analyst, 978-281-9273.

#### SUPPLEMENTARY INFORMATION:

##### Background

On March 27, 1996 (61 FR 13478), NMFS published a proposed rule requesting comments on its initial determination to withdraw approval of the American Lobster Fishery Management Plan (FMP) under the Magnuson-Stevens Fishery